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Keith A. Fotta

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EXAMINER

GAY, SONIA L

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,452	<b>Applicant(s)</b> FOTTA ET AL.	
	<b>Examiner</b> SONIA GAY	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 12 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 - 18, 20 - 37, 39 - 43, 45 - 60, 62 - 65, 67 - 81, 83 - 85, 87 - 103 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 - 18, 20 - 37, 39 - 43, 45 - 60, 62 - 65, 67 - 81, 83 - 85, 87 - 103 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/26/2010</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to Amendment filed 07/12/2010. The text of those sections of Title 35, U.S. Code not included in the action can be found in a prior Office action.

#### ***Response to Amendment***

1. Applicant's amendment filed on July 12, 2010 has been entered. No claims have been amended. No claims have been canceled. No claims have been added. Claims 1-11, 13 – 18, 20 – 37, 39 – 43, 45 – 60, 62 – 65, 67 – 81, 83 – 85 and 87 – 103 are still pending in this application, with claims 1, 27, 52, 53, 74, 94, 95, 97, and 98 being independent.

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1 – 11, 13 – 18, 21 – 37, 39 – 43, 46 – 52, 97, 99, and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel ( US 6,330,317) in view of Wexelblat ( US 2005/0144279).

For claims 1, 27, 52, and 97, Garfinkel discloses a control system with means, method, and computer readable medium ( block/complete algorithm operating on computer, column 5 lines 35 – 37) for selectively prohibiting a communications connection between an origin and destination within a communications network, the system comprising: at least one list of prohibited destination identifiers ( Fig.3, 46, 47, 48 and column 5 lines 54 – column 6 line 2); at least one list of exempted destination identifiers ( Fig.3, 49 and column 6 lines 2 – 11); a control unit that prohibits or allows the communications connection between the origin and

Art Unit: 2614

destination based on one or more mediation rules and the lists of prohibited and exempted destination identifiers ( *control computer*, column 5 lines 24 – 28, 35 – 39).

Yet, Garfinkel fails to teach the list of exempted identifiers including a date of contact associated with the each exempted destination identifier, the date of contact corresponding to a business transaction or inquiry by a customer associated with the exempted destination identifier; and, the control unit determining whether to allow communications connection depending on a duration that the particular exemption is valid from the date of contact.

However, Wexelblat discloses a system and method of a transactional white- listing wherein identification information and time stamp or expiration date corresponding to a business transaction or inquiry by a customer for a communications sender is placed on a white list for the purpose of temporarily allowing communications to occur between a first entity and a second entity, wherein the system determines whether to allow the communication depending on a duration that the particular, temporary allowance is valid from the time stamp or expiration date (Abstract; [0002 - 0004] [0009] [0010] [0026] [0057 - 0063] [0066] [0088] [0090]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Wexelblat so that the list / data file of exemption identifier's disclosed above in Garfinkel which is an analogous, transactional white list which can comprise additional information such as timestamp or expiration date associated with the date of contact corresponding to a business transaction of inquiry by a customer associated with the exempted destination identifier for the purpose of determining whether to apply a particular exemption to allow the communications connection

Art Unit: 2614

either indefinitely or depending on a duration that the particular exemption is valid from the date of contact.

For claims 2 and 28, Garfinkel further discloses wherein the origin and destination are each a communications device directly or indirectly connected to the communications network. (Garfinkel, column 4 lines 33 - 36; 38 - 42).

For claims 3 and 29, Garfinkel further discloses wherein the communications device is any one of a telephone, cellular telephone, personal digital assistance, pager, computer, client interface, and remote computer terminal (Garfinkel, column 4 lines 33 - 36; 38 - 42).

For claims 4 and 30, Garfinkel further discloses a connection unit that receives or initiates a request for a communications connection between an origin and destination, the request including the destination identifier; the connection unit capable of sending a request to the control unit and receiving an order from the control unit to prohibit or allow the communications connection. ( Column 4 lines 42 – 52; column 5 lines 5 – 17, 18 – 24).

For claims 5 and 31, Garfinkel further discloses wherein the connection unit is any one of an Interactive Voice Response application, a predictive dialer server, a distributed predictive dialer system, a switch, router, and an electronic mail server ( Garfinkel, *switch*, **Fig. 1** 13, 14 and column 4 lines 30 - 42).

For claims 6 and 32, Garfinkel further discloses wherein the connection unit establishes a communications connection between an origin and destination (Garfinkel, column 4 lines 33 – 42).

Art Unit: 2614

For claims 7 and 33, Garfinkel further discloses wherein the destination identifier is a communications device address (Garfinkel, *destination number dialed by handset*, column 4 lines 33 - 36; 38 - 42).

For claims 8 and 34, Garfinkel further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address (Garfinkel, *destination number dialed by handset*: column 4 lines 33 - 36; 38 - 42).

For claims 9 and 35, Garfinkel further discloses wherein the lists are contained within one or more tables of one or more databases (Garfinkel, column 5 lines 37 – 39).

For claims 10 and 36, Garfinkel further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, Wireless do-Not-Call list, a client internal list, and a Very Important Person list (Garfinkel, column 5 lines 54 – column 6 line 2).

For claims 11 and 37, Garfinkel discloses the claimed invention above and further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business Relationship (EBR) exemption list, Do-Not-Call exemption lists, State Do-Not-Call exemption list, a VIP exemption list, and other exemption list (Garfinkel, column 6 lines 3 – 11)

For claim 13, Garfinkel further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers (Garfinkel, column 6 lines 12 – 49).

Art Unit: 2614

For claims 14 and 39, Garfinkel further discloses wherein each comparison with a list of exempted identifiers determines whether the comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored. (Column 6 lines 31 – 41)

For claims 15 and 40, Garfinkel further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin (Garfinkel, column 7 lines 36 – 52).

For claims 16 and 41, Garfinkel further discloses wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface (Garfinkel, column 8 lines 48 – 66; column 9 lines 14 - 16).

For claims 17 and 42, Garfinkel further discloses wherein the control unit is a computer server that resides on the premises of any one of a client, a local exchange carrier, local administration facility, central administration facility, and other remote facility (Garfinkel, *central administration facility*, column 3 lines 6 – 15).

For claims 18 and 43, Garfinkel further discloses wherein the control unit interfaces with local prohibited and exempted destination lists; the local prohibited and exempted destination lists being periodically synchronized with other prohibited and exempted destination lists; the other prohibited and exempted destination lists being remotely located at another facility such as a local administration facility, local exchange carrier, central administration facility, or other facility (Garfinkel, column 4 lines 10 - 14; column 8 lines 36 - 41).

For claims 21 and 46, Garfinkel further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to

Art Unit: 2614

flexibly adapt the system to continuously support new connection prohibition rules (Garfinkel, column 7 lines 36 – 46).

For claims 22 and 47, Garfinkel further discloses wherein a plurality of destination identifiers are examined in relation to a particular origin to determine whether to prohibit or allow a communications connection between the origin and each destination of the plurality of destinations (Garfinkel, column 1 lines 12 – 16; column 5 lines 5 – 28).

For claims 23 and 48, Garfinkel discloses the claimed invention above and further discloses wherein a client user is identified and authenticated (Garfinkel, column 6 lines 13 – 20).

For claims 24 and 49, Garfinkel further discloses wherein the control unit, based on the mediation rules, uses additional client and customer information to determine whether to prohibit or allow a communications connection (Garfinkel, column 5 lines 37 – 45; column 6 lines 13 – 20)

For claims 25 and 50, Garfinkel further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, client office identifier, product identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria (Garfinkel, *CN*, customer identification code or number, column 5 lines 39 – 42).

For claim 26 and 51, Garfinkel further discloses wherein logs of prohibited, allowed, and improper destination identifiers or a combination thereof are generated (Garfinkel, column 7 lines 55 – column 8 line 18).



Art Unit: 2614

For claims 99 and 100, Wexelblat further discloses wherein the mediation rules are specific to a particular client (Wexelblat, [0065 - 0073]).

3. Claims 53 – 60, 62 – 65, 68- 81, 83-85, 88, 89, 90 - 94, 98, 101, and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. ( US 2003/0212566), in view of Garfinkel (US 6,330,317), and further in view of Wexelblat ( US 2005/0144279).

For claims 53, 74, 94, and 98, Fergusson et al. discloses an analysis system with means , method, and computer readable medium ([0008] [0036-0038]) for selectively designating whether a communications connections between an origin and one of more destinations are prohibited, the system and method comprising: an interface unit that receives one or more proposed destination identifiers ( *manual input interface of broker/dealer interface*, Fig.1, 32, Fig.2, 72; [0009] [0046] [0055] [0083]); at least one list of prohibited destination identifiers (*DNC listings*, Fig.2, 68a, 68b, 68c, 70, 72a; [0044] [0045]); a set of exempted destination identifiers (*on DNC list but with prior relationship*, Fig.9; [0048 - 0052]); and, an analysis unit ( *DNC handler block*, Fig.2, 62; [0044]) that designates whether the communications connection between an origin and one or more proposed destinations are prohibited or allowed based on one or more mediation rules and the lists of prohibited destination identifier, the analysis unit determining whether to apply a particular exemption to allow the communications depending on a duration that a particular exemption is valid from a date of contact ([0048 - 0052] [0073 - 0076] [0084 - 0092]). Yet, Fergusson et al. fails to teach at least one list of exempted destination identifiers including a date of contact associated with each exempted destination identifier, the

Art Unit: 2614

date of contact corresponding to a business transaction of inquiry by a customer associated with the exempted destination identifier.

However, Garfinkel discloses a control system and method for the purpose of selectively prohibiting a communications connection between an origin and destination within a communications network comprising at least one list of prohibited destination identifiers and at least one list of exempted destination identifiers stored within databases ( Fig.3, 46, 47, 48 49; column 5 lines 35 - 6 line 11).

Moreover, Wexelblat discloses a system and method of a transactional white- listing wherein identification information and time stamp or expiration date corresponding to a business transaction or inquiry by a customer for a communications sender is placed on a white list for the purpose of temporarily allowing communications to occur between a first entity and a second entity, wherein the system determines whether to allow the communication depending on a duration that the particular, temporary allowance is valid from the time stamp or expiration date (Abstract; [0002 - 0004] [0009] [0010] [0026] [0057 - 0063] [0066] [0088] [0090]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Fergusson et al. with the teachings of Garfinkel and Wexelblat so that the exempted identifiers disclosed above in Fergusson et al. which are stored within a database can be further compiled into a exempted list stored within the database, with the exempted list comprising additional information including timestamp or expiration date associated with the date of contact corresponding to a business transaction of inquiry by a customer associated with an exempted destination identifier for the purpose of enhancing the functionality of the system in determining whether to apply a particular exemption to allow the

Art Unit: 2614

communications connection depending on a duration that the particular exemption is valid from the date of contact.

For claims 54 and 75, Fergusson et al. further discloses wherein the origin and destination are each a communications device directly or indirectly connected to the communications network. (Fergusson et al., [0038] [0093 - 0096] [0118]).

For claims 55 and 76, Fergusson et al. further discloses wherein the communications device is any one of a telephone, cellular telephone, personal digital assistance, pager, computer, client interface, and remote computer terminal (Fergusson et al., [0038] [0093 – 0096] [0118]).

For claims 56 and 77, Fergusson et al. further discloses wherein the destination identifier is a communications device address (Fergusson et al., [0041] [0093 – 0096]).

For claims 57 and 78, Fergusson et al. further discloses wherein the device address is any one of a telephone number, Internet Protocol address, Internet Domain Name, and an electronic mail address (Fergusson et al., [0041] [0093 – 0096]).

For claims 58 and 79, Fergusson et al. further discloses wherein the lists are contained within one or more tables of one or more databases (Fergusson et al., [0044] [0045]).

For claims 59 and 80, Fergusson et al. further discloses wherein the lists of prohibited destination identifiers are derived from any one or a combination of a Federal Do-Not-Call list, a State Do-Not-Call list, a DMA list, Wireless do-Not-Call list, a client internal list, and a Very Important Person list (Fergusson et al., [0044]).

For claims 60 and 81, Garfinkel further discloses wherein the lists of exempted destination identifiers are derived from any one or a combination of an Existing Business

Art Unit: 2614

Relationship (EBR) exemption list, Do-Not-Call exemption lists, State Do-Not-Call exemption list, a VIP exemption list, and other exemption list (Garfinkel, column 6 lines 3 –11)

For claim 62, Garfinkel further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers (Garfinkel, column 6 lines 12 – 49).

For claims 63 and 83, Garfinkel further discloses wherein each comparison with a list of exempted identifiers determines whether the comparison with an associated list or lists of prohibited destination identifiers is bypassed or ignored (Garfinkel, column 6 lines 31 – 41)

For claims 64 and 84, Garfinkel further discloses wherein the prohibited and exempted destination lists are capable of being modified from the origin (Garfinkel, column 7 lines 36 – 52).

For claims 65 and 85, Garfinkel further discloses wherein the prohibited and exempted destination lists are capable of being modified from a secondary interface (Garfinkel, column 8 lines 48 –66; column 9 lines 14 - 16).

For claims 68 and 88, Fergusson et al. further discloses a client computer that remotely sends a certified list of proposed destination identifiers to the analysis unit whereupon the analysis unit designates prohibited and allowed destination identifiers and sends a designation list to the client computer (Fergusson et al., [0083]).

For claims 69 and 89, Fergusson et al. further discloses wherein prohibited and exempted destination lists may be dynamically added or removed and the mediation rules updated to flexibly adapt the system to continuously support new connection prohibition rules. (Fergusson et al., [0044] [0052]).

Art Unit: 2614

For claims 70 and 90, Fergusson et al. further discloses wherein the analysis unit, based on the mediation rules, uses additional client and customer information to designate a prohibited or allowed communications connection (Fergusson et al., [0055]).

For claims 71 and 91, Fergusson et al. further discloses wherein the information includes any one or combination of a client user identifier, client identifier, customer identifier, product identifier, client office identifier, geographic area, date, time, exemption type duration, origin identifier, internal client criteria, and internal customer criteria (Fergusson et al., [0055] [0083]).

For claims 72 and 92, Fergusson et al. further discloses wherein logs of prohibited, allowed, and improper destination identifiers or a combination thereof are generated (Fergusson et al., [0110]).

For claims 73 and 93, Fergusson et al. discloses the claimed invention above and further discloses wherein the interface unit is any one of a World Wide Web page, a ftp server, an database connection, a remote terminal connection, and Interactive Voice Response connection (Fergusson et al., ,World Wide Web, [0036] [0083]).

For claims 101 and 102, Wexelblat further discloses wherein the mediation rules are specific to a particular client (Wexelblat, [0065 - 0073]).

4. Claims 20 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Wexelblat (US 2005/0144279), and further in view of Prince (US 2004/0148506).

Art Unit: 2614

For claims 20 and 45, Garfinkel fails to teach wherein the control unit/analysis unit remotely accesses the prohibited and exempted lists within a central administration facility. However, Prince teaches a control unit ( *client do-no-contact list application* , [0033]) which is a software application within a remote client computer that accesses the prohibited and exempted lists within a central administration facility ( *master –do-not-contact list server* , [0033])for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed ([0033][0036][[0041][0042])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Prince to have the control unit/analysis unit within the remote client computer as disclosed above in Garfinkel to access the prohibited and exempted lists within a central administration facility for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed.

5. Claims 67 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fergusson et al. ( US 2003/0212566) in view of Garfinkel ( US 6,330,317), and further in view of Wexelblat ( US 2005/0144279), and further in view of Prince (US 2004/0148506).

For claims 67 and 87, Fergusson et al. fails to teach wherein the control unit/analysis unit remotely accesses the prohibited and exempted lists within a central administration facility. However, Prince teaches a control unit ( *client do-no-contact list application* , [0033]) which is a software application within a remote client computer that accesses the prohibited and exempted

Art Unit: 2614

lists within a central administration facility ( *master –do-not-contact list server* , [0033])for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed ([0033][0036][[0041][0042])

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Fergusson et al. with the teachings of Prince to have the control unit/analysis unit within the remote client computer as disclosed above in Fergusson et al. to access the prohibited and exempted lists within a central administration facility for the purpose of receiving one or more destination identifiers and designating whether the communications connections between the origin and one or more destinations are prohibited or allowed.

6. Claim 95 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Brockbank et al. ( US 2004/0066926), and further in view of Fotta (Us 6,130,937).

Garfinkel et al. discloses a method of selectively prohibiting a communications connection between an origin and destination in a telecommunications network, the origin having a user interface for a client agent, the destination having a destination telephone number, the method comprising: at the origin, establishing a communications connection with a connection unit (column 5 lines 5 -14); at the origin, prompting for the destination telephone number and entering the digits associated with a destination telephone number (providing a dial tone, column 5 lines 5 - 7); at the connection unit, sending the destination telephone number to

Art Unit: 2614

the control unit ( column 5 lines 18 - 23); at the control unit, verifying that the dialed area code of the destination telephone number is valid ( column 6 lines 13 – 20); retrieving client-specific mediation rules; prohibiting or allowing the communications connection based on the mediation rules, one or more prohibited destination number lists, and one or more exempted destination number lists, by sending a prohibit or allow order to the connection unit (column 5 lines 54 – column 6 line 49); at the connection unit if the communications connection is allowed, establishing a second communications connection with the destination and bridging the origin communications connection to the destination communications connection to establish a communications connection between origin and destination (column 5 lines 29 - 34); at the connection unit if the communications connection is prohibited, ending the communications connection with the origin or notifying the client agent that the call is prohibited and prompting for entry of another destination telephone ( column 5 lines 29 - 34).

Yet, Garfinkel et al. fails to teach the following: at the connection unit, interacting with a control unit to validate the dialed number and, upon successful validation by the control unit, prompting the client agent for identification and authentication information; at the origin, entering the identification and authentication information; at the connection unit, interacting with the control unit to validate the identification and authentication information and, upon successful validation by the control unit, prompting for the destination telephone number; and, at the control unit, verifying that the dialed area code of the destination telephone number is valid.

However, Brockbank et al. discloses a method for the purpose of registering a teleworking agent to make a telephone call where upon successful validation of a dialed number (*codeword*, [0068]) at a control unit (*host computer*, Fig.1, 26), the connection unit ( *IVR*, Fig.1,



Art Unit: 2614

32) interacts with the control unit to prompt for, receive, and successfully validate identification (*DN*, [0044]) and authentication information ( *second codeword*, [0070]) from the teleworking agent (Abstract; [0004][0040] [0044 – 0049] [0058] [0068] [0069] [0070]).

Additionally, Fotta discloses a system and method for the purpose of enforcing and overriding consumer do-no-call requests comprising a control unit which verifies that the dialed area code of the destination telephone number is valid ( Abstract; column 9 lines 65 – column 10 line 12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Brockbank et al. and Fotta so that the telemarketer (Garfinkel, *telemarketer*, column 5 lines 5 – 8) can be a remote agent that performs a successful and well known in the art, registration process for the purpose of enabling the agent to prompted to make a telephone call, with the registration process including: entering a dialed number to the connection unit (Garfinkel, *switch*, Fig.2, 13-14; column 5 lines 5-14); entering identification and authentication information to the connection unit upon successful validation of the dialed number by a control unit (Garfinkel, *control computer*, Fig.2, 26-27; column 5 lines 24- 27); and, validating the entered identification and authentication information by the control unit. Furthermore, the control unit (Garfinkel, *control computer*, Fig.2, 26-27; column 5 lines 24- 27) can verify that the dialed area code of the received destination telephone number is valid for the purpose of prohibiting or allowing the communications connection.

Art Unit: 2614

For claim 96, Garfinkel further discloses wherein the mediation rules comprise a sequence of comparisons made between a destination identifier and one or more lists of exempted and prohibited identifiers; each comparison with a list of exempted identifiers determining whether comparison with an associated list or lists of prohibited destination identifiers is bypassed (Garfinkel, column 6 lines 12 – 49).

7. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garfinkel (US 6,330,317) in view of Brockbank et al. ( US 2004/0066926), and further in view of Fotta (US 6,130,937), and further in view of Wexelblat ( US 2005/0144279).

For claim 103, Garfinkel fails to explicitly disclose wherein the mediation rules are specific to a particular client. However, Wexelblat discloses a system and method of a transactional white- listing wherein mediation or filtering rules can be specific to a particular client or network ([0065 - 0073]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Garfinkel with the teachings of Wexelblat so that the mediation rule disclosed above in Garfinkel can employ either network specific or client specific rules for the purpose of automatically blocking or filtering the outgoing calls from telemarketers.

### ***Response to Arguments***

8. Applicant's arguments filed s 07/12/2010 have been fully considered but they are not persuasive. On pages 21 and 22, Applicant argues that the expiration date or timeout duration does not disclose a date of contact corresponding to a business transaction or inquiry. However,

Art Unit: 2614

Applicant is directed to paragraph 52 of Wexelblat where a user allows a third party to be white listed for “three weeks”. By necessity, an expiration date such as three weeks has to be associated with an initial or start date. Paragraph 52 discloses that the initial date is related to some initial transaction. Additionally, paragraph 63 of Wexelblat discloses comparing the date and time of a currently pending communication to this expiration date of three weeks. Again, by necessity, there has to be an initial start time to make an effective comparison. Therefore, storing an expiration date, i.e. three weeks, with an exempted identifier can disclose both the initial date of a transaction and the duration that the particular exemption is valid from the date of contact.

9. On page 28, Applicant argues that Brockbank does not disclose validating a "dialed number". However, in paragraphs 48, 49, and 68, Brockbank discloses a method of registering a remote caller wherein dialed codewords are dialed numbers that are validated. Therefore, the Brockbank discloses validating “dialed numbers”.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2614

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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